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Attorneys for Defendants Good Samaritan Hospital LP, a
Delaware limited partnership, Good Samaritan Hospital,
LLC, a Delaware limited liability company, Good
Samaritan Hospital Medical Staff, a California
unincorporated association, Steven M. Schwartz, M.D.,
Bruce G. Wilbur, M.D.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

J. Augusto Bastidas, M.D.,

Plaintiff,

v.

Good Samaritan Hospital LP, a Delaware
limited partnership; Samaritan, LLC, a
Delaware limited liability company; Good
Samaritan Hospital Medical Staff, a California
unincorporated association; Steven M.
Schwartz, M.D.; and Bruce G. Wilbur, M.D.,

Defendants.

CASE NO. 5:13-cv-04388-SI

**JOINT STIPULATION AND ~~[PROPOSED]~~
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE AND SET
BRIEFING SCHEDULE ON AMENDED
COMPLAINT**

Judge: Hon. Susan Illston
Complaint Filed: September 20, 2013
Trial Date: None Set

1
2 WHEREAS, on April 16, 2014, Plaintiff J. Augusto Bastidas, M.D. ("Plaintiff") filed a
3 Second Amended Complaint against Defendants Good Samaritan Hospital LP; Good Samaritan
4 Hospital LLC; Good Samaritan Hospital Medical Staff; Steven M. Schwartz, M.D.; and Bruce G.
5 Wilbur, M.D. (collectively, the "Good Samaritan Defendants") and HCA Inc. for racial
6 discrimination under 42 U.S.C. § 1981;

7 WHEREAS, on April 23, 2014, the court issued an order, per the parties' joint stipulation,
8 extending the deadlines to respond, oppose, and reply to Plaintiff's Second Amended Complaint;

9 WHEREAS, on May 23, 2014, the Court issued an order, per the parties' joint stipulation,
10 continuing the Initial Case Management Conference to July 25, 2014;

11 WHEREAS, under the current schedule for the Case Management Conference, the deadline
12 for the parties to confer under Federal Rule of Civil Procedure Rule 26(f) was July 4, 2014;

13 WHEREAS, on July 7, 2014, the Court granted the Good Samaritan Defendants' motion to
14 dismiss Plaintiff's Second Amended Complaint and gave Plaintiff until August 6, 2014 to file a Third
15 Amended Complaint against the Good Samaritan Defendants;

16 WHEREAS, Plaintiff plans to file a Third Amended Complaint on or before August 6, 2014;

17 WHEREAS, although the Good Samaritan Defendants have not seen the Third Amended
18 Complaint, based on their understanding of the amendments Plaintiff is likely to make, the Good
19 Samaritan Defendants will likely file a motion to dismiss Plaintiff's Third Amended Complaint;

20 WHEREAS, the parties have conferred and agree that it would be efficient for the parties and
21 the Court to set a briefing schedule on any motion to dismiss the Good Samaritan Defendants may
22 file in response to the Amended Complaint;

23 WHEREAS, the parties have agreed, subject to the Court's approval, upon the following
24 schedule for briefing any motion to dismiss the Good Samaritan Defendants may file:

- 25 • Plaintiff's Third Amended Complaint will be due on August 6, 2014;
- 26 • The Good Samaritan Defendants' response to the Amended Complaint will be due on
27 September 10, 2014;
- 28 • Plaintiff's opposition will be due on October 8, 2014;

- The Good Samaritan Defendants' reply will be due on October 29, 2014;
- A hearing on the motion to Dismiss will be on November 14, 2014, or a date thereafter that is convenient for the Court.

WHEREAS, the parties also agree, subject to the Court's approval, to continue the Initial Case Management Conference to December 5, 2014 at 2:30 p.m., as the Court's ruling on the Good Samaritan Defendants' motion to dismiss the Third Amended Complaint will likely inform the scope of discovery and schedule for this case. The parties also agree to file a Joint Case Management Statement seven days before the conference.

WHEREAS, the parties agree that these modifications will bring efficiencies to the handling and scheduling of the case;

IT IS HEREBY STIPULATED AND AGREED, subject to the Court's approval, that:

- Plaintiff's Third Amended Complaint will be due on August 6, 2014;
- The Good Samaritan Defendants' response to the Amended Complaint will be due on September 10, 2014;
- Plaintiff's opposition will be due on October 8, 2014;
- The Good Samaritan Defendants' reply will be due on October 29, 2014;
- Hearing on the Motion to Dismiss will be on November 14, 2014, or a date thereafter that is convenient for the Court;
- The Initial Case Management Conference shall be moved from July 25, 2014 to December 5, 2014;
- The parties will file a Joint Case Management Statement on November 28, 2014.

1 DATED: July 18 , 2014

HENNEFER, FINLEY & WOOD, LLP

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3 BY: /s/ James A. Hennefer
4 JAMES A. HENNEFER
5 Attorneys for Plaintiff J. Augusto Bastidas, M.D.

6
7 DATED: July 18 , 2014

GIBSON, DUNN & CRUTCHER LLP

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9 BY: /S/ Thad A. Davis
10 THAD A. DAVIS
11 MICHAEL LI-MING WONG
12 VANESSA A. PASTORA
13 Attorneys for Defendants Good Samaritan
14 Hospital, L.P., Samaritan, LLC, Good Samaritan
15 Hospital Medical Staff, Steven M. Schwartz, M.D.,
16 and Bruce G. Wilbur, M.D.

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 7/22, 2014

By: 
HONORABLE SUSAN ILLSTON

FILER'S ATTESTATION

I, Thad Davis, am the ECF user whose ID and password are being used to file this Joint Stipulation and [Proposed] Order to Continue Case Management Conference Set Briefing Schedule on Amended Complaint. I hereby attest that James A. Hennefer has concurred in this and has authorized me to affix his electronic signature to this Stipulation.

Dated: July 18, 2014

/s/ Thad Davis

CERTIFICATE OF SERVICE

I, Bonnie Honniball, declare as follows:

I am employed in the County of San Francisco, State of California, I am over the age of eighteen years and am not a party to this action; my business address is 555 Mission Street, Suite 3000, San Francisco, CA 94105-0921, in said County and State. On July 18, 2014, I served the following document:

**JOINT STIPULATION AND [PROPOSED] ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE AND SET BRIEFING SCHEDULE ON
AMENDED COMPLAINT**

on the parties stated below, by the following means of service:

☒ **BY ELECTRONIC TRANSFER TO THE CM/ECF SYSTEM:** On this date, I electronically uploaded a true and correct copy in Adobe "pdf" format the above-listed document(s) to the United States District Court's Case Management and Electronic Case Filing (CM/ECF) system. After the electronic filing of a document, service is deemed complete upon receipt of the Notice of Electronic Filing ("NEF") by the registered CM/ECF users.

☒ I am employed in the office of Thad A. Davis, a member of the bar of this court, and that the foregoing document(s) was(were) printed on recycled paper.

☒ **(FEDERAL)** I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 18, 2014.

/s/

Bonnie Honniball